

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

03- -1301

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM  
OF TRACY MIKSELL, THROUGH HER ATTORNEY,  
ROBERT A. KATENKAMP AGAINST THE CITY OF  
ATLANTA AND FOR OTHER PURPOSES**

**WHEREAS**, Tracy Miksell, through her attorney, Robert A. Katenkamp, has filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Department of Corrections; and

**WHEREAS**, the collision occurred as a result of the City employee following too closely and rear-ending Ms. Miksell's vehicle; and

**WHEREAS**, the claimant asserted damages in the amount of \$3,395.00 but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of Tracy Miksell, through her attorney, Robert A. Katenkamp, be settled for the sum of \$2,000.00.

**WHEREAS**, the claimant had previously abandoned her claim and the Council of the City of Atlanta adopted an adverse recommendation on September 16, 2002.

**THEREFORE, BE IT RESOLVED** that Resolution 02-R-1520 be hereby rescinded.

**BE IT FURTHER RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Tracy Miksell, through her attorney, Robert A. Katenkamp, may have stemming from damages sustained due to a motor vehicle collision on or about December 14, 2001.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0343

Date: July 30, 2003

Claimant /Victim TRACY MIKSELL  
BY: (Atty) Robert A. Katenkamp  
Address: 3330 Cobb Parkway, Suite 17, Acworth, Georgia 30101  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,395.00  
Date of Notice: 05/10/02 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/14/01 Place: Pratt Street and Decatur Street  
Department Corrections Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear ended the claimant's vehicle causing damages in the above amount.

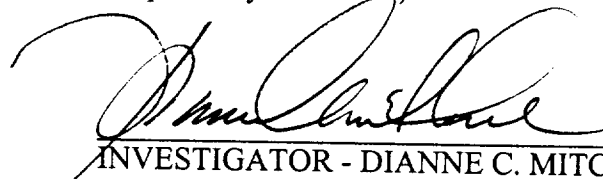
INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report X Other         
Traffic citations issued: City Driver X Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement X  
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse        Account charged: 1A01 X 2J01        2H01        2P01         
Claims Manager:        Concur/date 07-30-03  
Committee Action:        Council Action

**Robert A. Katenkamp**

Attorney At Law

PMB 332

3330 Cobb Parkway, Suite 17

Acworth, GA 30101

770-975-8365/FAX 770-975-8603

RECEIVED MAY 10 2002

*M. Arkell*

05/10/02

*DM*

May 3, 2002

ENTERED - 5-13-02 - SB  
02L0343 - DIANNE MITCHELL

Ms. Sherry Butler  
City of Atlanta Law Department  
65 Mitchell Street, S.W., Suite 4100  
Atlanta, GA 30303

**RE: Tracy Miksell, Ante Litem Notice**

Dear Ms. Butler:

The purpose of this letter is to give the City of Atlanta Ante Litem notice with regard to my client, Tracy Miksell. Pursuant to the requirements of O.C.G.A. § 36-33-5, I am notifying you that on December 14, 2001, Ms. Miksell was involved in an automobile wreck with a City of Atlanta correction vehicle. I have enclosed a copy of the police report. As you will see, the wreck occurred at the intersection of Pratt St. and Decatur St. in Atlanta, Fulton County, Georgia. Your driver, Milton Swain was charged with following too closely.

Pursuant to O.C.G.A. § 36-35-5 I am formerly notifying the City of Atlanta of the presentation of Ms. Miksell's claim for adjustment. Ms. Miksell has both a property and bodily injury claim.

I look forward to working with you towards the resolution of this claim. If you have any questions, do not hesitate to call.

Sincerely,

*Robert A. Katenkamp*

Robert A. Katenkamp

RAK:sjo  
Enclosure